



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Ralph E. Jocke  
231 South Broadway  
Medina, OH 44256

OFFICE OF THE DIRECTOR  
TC 3600

In re Application of  
David T. Frederick  
SERIAL NO: 09/288,685  
FILED: April 9, 1999  
FOR: MEDICAL CABINET WITH ADJUSTABLE DRAWERS

DECISION ON PETITION  
UNDER 37 CFR §1.181

This is a decision on the petitions under 37 CFR §1.181 filed May 3, 2002 and August 28, 2002 for Withdrawal of Holding of Noncompliance with 37 CFR 1.192 (c).

The petitions are **DENIED**.

On December 26, 2001, applicants filed an unsigned Appeal Brief in response to the examiners non-final rejection of July 17, 2001. On March 5, 2002 the examiner found the Brief defective because it was unsigned and concurrently gave applicants a new non-final rejection. Applicants on March 14, 2002 responded with a signed Brief that addressed the original rejection of July 17, 2001 but failed to address the new non-final rejection of March 5, 2002. On July 11, 2002 the examiner again found the Brief defective because it failed to address the current rejection of March 5, 2002 as required by 37 CFR 1.191c. The rejection was concurrently made final on July 11, 2002.

As of this date the applicants have failed to timely correct the defective appeal brief. The appeal is therefore dismissed in accordance with 37 CFR 1.192d. Applicants have also failed to constructively respond to the outstanding rejection. It should be noted that the statutory period for response to the final rejection of July 11, 2002 expired on January 11, 2003.

The file is being forwarded to the examiner for Abandonment.

Robert Olszewski  
Acting Director  
Technology Center 3600  
(703) 308-5183

dpw:1/29/03